

**MINUTES OF THE  
WEST LAFAYETTE REDEVELOPMENT COMMISSION  
December 18, 2006**

Redevelopment Commission members present: Steve Belter, Sandra Pearlman, Patsy Hoyer and Larry Oates. Also in attendance: City Attorney Bob Bauman, Clerk-Treasurer Judy Rhodes, Josh Andrew, Charlotte Martin, Bev Shaw, and Deborah Kervin of the Department of Development, City Engineer Dave Buck, Superintendent of Parks Joe Payne, Tom Gall of T.J. Gall & Associates, City Council member Patti O'Callaghan and citizens and members of the media.

Mr. Belter called the meeting to order at 12:02 p.m. Were all the appropriate notices posted and/or mailed? Ms. Kervin answered yes they were.

Since Mr. Nay was not present at the meeting, Patsy Hoyer agreed to be the acting secretary.

**OLD BUSINESS**

Mr. Oates made a motion to approve the November 13, 2006 minutes. Mrs. Pearlman seconded. Mr. Belter asked if there were any other questions, comments, changes or corrections to the minutes. Hearing none, the minutes were approved and the motion passed unanimously 3-0.

Mr. Belter said before we discuss the garage bids, we should wait for Tom Gall's arrival. Tom is on his way but detained in traffic.

**NEW BUSINESS**

Mr. Belter said the next item of business is the authorization of the Trustee to pay claims. Mrs. Pearlman made a motion to approve the payment of the claims. Mr. Oates seconded. Mr. Belter said Charlotte, I've noticed in several places that there were initials; have all of these been approved by somebody who understands what is being done? Mrs. Martin said yes they have.

Mr. Belter said Dave, (Buck, City Engineer) will you bring us up to date on some of the projects? Mr. Buck said on the Tapawingo project the contractor has been taking advantage of the very unusual weather that we've been having. When we deleted dynamic compaction and went with the undercut and fill, we were originally planning to begin curb and asphalt work, I believe October 9<sup>th</sup> was the date. He took about five extra weeks due to supervision and trucking issues to get to that point. A couple of the weeks were due to the settlement not reaching the rate that was allowed so we had to start the clock over and go through another four week period. So he's a little bit behind what we had originally planned to call our winterizing stopping point

where we had all but the surface asphalt down, the signal work all completed, all the lane restrictions and traffic issues should have been done and over with. Since we've had the good weather, he's been able to go ahead and get a lot more done than a normal winter would have allowed. It's doubtful that he will get everything to the original agreed stopping point, but we're glad to see that he's got obviously a lot of good weather to go ahead and put down more asphalt, and put down, most, if not all, the curbs. He had put in islands for the turn lanes off of the new Tapawingo section of road.

Mr. Belter said then we did eventually get to the passing grade on the settlement? Mr. Buck said yes, we had four consecutive weeks under the allowed .04 feet per week and it was actually going less each week from the time that it exceeded. Again, we had one .04 reading in the seven weeks of monitoring and so we finally got four consecutive weeks of that reading or less and that meets the spec and that allows the continued paving operations to go on as well. Now it's just streamlined as it's done—curb, and then you do asphalt should the weather permit.

Mr. Belter said so the asphalt plants have not closed? Mr. Buck answered I don't know if they both have or not, I don't think either one has—given the weather we've been having. Rieth Riley (Construction Co., Inc.) originally planned to close last Friday, I don't know if they have actually closed or not since it's so warm this week. The forecast is it's (the current weather) supposed to continue for a week or so. (*Tom Gall arrived.*) I know they have some work on Tapawingo that they could stay open for.

Mr. Oates said before we continue, can I ask a question on the HNTB bill? Tell me what's going on here? We're only paying a part of it and why do we have such a big number? Mr. Buck said HNTB's original contract is the \$218,449. They have a supplement in because we deleted dynamic compaction and added undercut. That supplement has been approved by the City and is at INDOT for its final approval and authorization. We're not going to pay on that until it's approved by INDOT and we know for sure that we'll see reimbursement before we turn in claims on that. So that \$8,900 is the balance left on the old PO that we had... Mr. Oates said on this current PO? Mr. Buck said on our approved contract with HNTB. Mr. Buck said this is the first bill that goes from the original agreement into the supplement. Our reimbursements from the State have been outstanding for some time. We've received the first set of those in, but I'll check and see why this balance is so large, if it's incorrect or a typographical error. Mr. Oates said so on that we're only paying \$8,954.09 and we'll figure out what's going on with the rest that's outstanding. Mr. Buck said yes.

Mr. Belter said Tom, we're going through the claims. Dave spoke about the Tapawingo project; do you want to speak about any of the other projects that we're paying for?

Mr. Gall said as far as the Midway Planting, those trees are all in and planted now. There are a few that need to be straightened. Ms. Shaw said they've already been taken care of. For the Sagamore West Light and Banner project, the banners are all up and in place. The two lights that were our responsibility to take down have been taken down. Duke energy has a purchase order to do what they need to do to get the remaining lights down. We're working on some *as built* work and we're going to need to do a little work with the engineering department—you

now have a utility in the ground that needs to part of the Indiana Locate System. We need to make sure that we get that done so if somebody calls for a locate, its going to need to be located and we don't really have the facilities to locate wires or underground utilities so we need to get that taken care of since those utilities were connected.

Mr. Gall continued with Chauncey Square Project and stated we're waiting on Insight to finish up their splicing with cable. The phone is done and cut over and power will finish up when the interior foundation work is completed. Transformers have to be set at the side of the garage. They're going to build a new garage foundation first. All of the infrastructure is in place and is ready for them to do what they need to do whenever they can get to it.

Mr. Gall said we'll be getting ready to look at the storm and sanitary sewer project for early in the spring. We'll be looking to sidewalk, curb and gutter work probably in summer in anticipation of that building opening up. Mr. Gall said if there are any other questions, please ask.

Mr. Belter said are there any other questions for Tom or Dave? None were made. The motion to approve the payment of claims passed unanimously 3-0.

#### **OLD BUSINESS (continued)**

Mr. Belter said back to the garage bids, Tom, would you take us through those? Mr. Gall said we had some quotes that came in quite a while ago that Carl E. Most quoted on. They've been working on their work; in fact they worked through the warm weekend this last weekend to get some of the outside work on the garage completed. They're probably about half way through that work. Then we took bids on a much larger package which was the next set of work in your schedule to do to go against your \$200,000 appropriation. Those bids came in well under what we had expected. We had expected something in the \$180,000 range. We have a spreadsheet that shows you the tally of the four we had. This is a unit-price contract. Western Waterproofing Company gave a total mostly for convenience sake and their total was wrong. When I totaled their unit prices, their total was \$113,724.70. I verified with them that their individual unit prices were correct—that's what they had bid. They could not determine how they came up with the number that they had put in the blank for the total. I've consulted with City Attorney Bauman and he didn't see any reason why we couldn't accept that bid. They have sent to us today an executed agreement for signature. I apologize to Judy (Rhodes, Clerk-Treasurer) that I didn't talk to you directly—you needed a Form 96 for that contract and you've got the two last week on that. Clerk-Treasurer Rhodes said yes I did. Mr. Gall said I'm assuming that we're able to waive through that formality in bidding.

Mr. Bauman said yes, there's no question it's a unit price contract and that is the low bid. Mr. Gall said and it is unit price contract and so the final payment will be what it is based on units that have been put in place. Based on that and the letter you've been sent, I recommend approval of that contract and maybe they can take advantage of some of the warm weather we're having and get started. I will tell you I would have put some more items in that bid had I known

they were going to come in this low. We could have gotten a little more of the work done. As it is, we'll just address it after the first of the year and what you choose to do next.

Mr. Oates made a motion to accept the bid from Western Waterproofing Company and execute the contract so the repairs on the Wabash Landing Garage can begin. Mrs. Pearlman seconded.

Mr. Belter asked Tom, I assume that whatever we ask them to do—whatever number of feet of cracks we wanted them to fill, there aren't any other cracks we want to take advantage of. Mr. Gall said when we're going through and looking, we have the option to do that because we have the unit prices for that. I think typically when the street department or others will do purchase orders on unit price projects, they do the PO for the maximum 20% over the total amount so they have that flexibility. Is that correct, Judy (Rhodes, Clerk Treasurer) or has that been done from time to time? Mrs. Rhodes said that's the practice as long you keep it in the change order limit on the contract. It should be alright. I'd recommend that you do this purchase order for the 20% above the total on this so that we have that flexibility to do some of that work while they're here doing it. Mr. Bauman said we won't get any better bargain than this.

Mr. Gall said the Most (Carl E. Most & Sons, Inc.) folks have done some excellent work for us. When they're in the garage they always do more than they tell us they're going to do. They were not the low bidder this time. John Most who is the president and his son Carl Most have told me that the Western Waterproofing Company is an old line company; they're out of Livonia, Michigan and they've been doing this for a long time. Of course, they (Carl Most & Son, Inc.) would have preferred to have done the work, but they felt we had a responsible contractor here who has been around for a long time doing this work.

Mr. Oates said I will amend my original motion to include a 20% scheduled change order up charge for any unforeseen work that would be in the garage package. Mrs. Pearlman seconded. Mr. Oates said I don't have an exact number what that is, but it looks like \$23,744.94 in round terms.

Mr. Belter said the original motion was amended by the person who made the motion and accepted by the person who seconded the motion, so I don't think we need a separate vote on the amendment. Is there any other discussion before we proceed to the vote? There was none. The motion passed unanimously 3-0.

Mr. Belter said (*to Tom Gall*) thank you for your work on that. Patsy Hoyer added the other thing, is even with additional expenses, it's less than what we thought it would cost. That is very good news. Mr. Belter said do we need to approve the contract with Tom (T. J. Gall & Associates, Inc.) to supervise this work? Charlotte Martin said yes.

Mr. Oates made a motion to approve the contract with T. J. Gall & Associates for supervision of the Wabash Landing capital repairs project. Mrs. Pearlman seconded.

Mr. Belter asked Tom to explain what he's been doing. Mr. Gall said we're putting the documents together for overseeing construction and scheduling it, working back and forth with the Most Company and their expertise. This also allows a fairly old purchase order of EDIT funds to be closed out and that was Judy's recommendation to the Department of Development about a two or three year old purchase order that has about \$5,000 left on it for Wabash Landing work. So that can go away and this will replace that.

Mr. Belter asked if there were any other questions or comments. Mr. Oates said I think it's one of the best things we can do is get somebody onsite that knows what's going on on a day-in and day-out basis that can watch what's going on and make sure that the work is being done properly. Mr. Gall said the one thing that I would say is John Most has agreed to assist me—we talked about having an agreement and having them onsite—but since they're competitors he feels a little odd about that. But he's willing to assist me if I have questions or issues coming up and look at that work or give me the information so that I can watch what's going on onsite. If it's gets to the point where we think we need his specific expertise, we'll ask for it and we'll come back to you and deal with it then.

The motion passed 3-0.

Mr. Belter asked if there was any other business. Mr. Bauman said looking back, revisiting that last little trail segment on Sagamore Parkway that didn't get done this year. Mr. Gall said along those lines, we do have an appropriation for the trail and have been working with Joe (Payne, Superintendent of Parks). By the time we got the approval from the owner to actually do that work—the part that's on the private property this late in the year—so we decided not to have a several foot mud hole and just let it go over the winter. We will price and quote whatever we need to do so we can start that right off in spring. Mr. Oates said is that the Nighthawk Trail extension next to the apartment building? Mr. Gall said yes. We expect to be back at your normal January meeting and re-appropriate the balance of what wasn't used for the Midway project. We did a portion of the work. As we work with Joe, we need to make sure what the final parts are and what we want to do, get ready to quote and do that. So we'll want to come back and re-appropriate the part that reverts.

Mr. Bauman said some of these things are odds and ends that we'll have to re-appropriate the money and pick it up, but I think in each case it means we're doing the project in a way that makes more sense rather than leaving a mud hole; or we've broken some of them up in a way that allows us to get the best bang for the buck in terms of the work. While some of it has been delayed a little bit, they each represent getting the best value for the dollar.

Mr. Gall said we tried to do the Midway planting in pieces—both smaller pieces that worked out well. We wanted to get those trees in this fall and we did. We were able to do some other things that involved some of our smaller local contractors. Several of those contracts get very large and our local, smaller local guys don't do them real well and we can't always work that out. This worked out well. We wanted to finish the first part to see how the dollars worked out—the next thing is the oaks and shrubs. We would like to continue our work on that in the spring; we'll come back and ask you to re-appropriate the balance of what wasn't spent this year.

I think along the Sagamore Lighting and Banner Project, I think that we have everything that we need to have to cut a Purchase Order for all that would happen after the first of the year. I don't expect that Cinergy is going to get all their poles down and billed. There's some landscape work for the spring that's been purchase ordered. So if something comes up, we will come back and discuss it with you and do what you wish. If there is an expense that I might anticipate is how we deal with the utility issue—of having underground lines—if someone now does want to excavate in the right of way there and they call for a locate, these lines aren't going to be located. How as a city or Redevelopment Commission you choose to deal with that expense, we'll have to decide.

Mrs. Hoyer asked what's the latest on the old K-Mart, is anything happening there? I keep driving by and I don't see any signs. Mr. Andrew (Josh Andrew, Director of Development) answered Swiss has bought it. I've been told that it's supposed to come down in January. When he comes in for a demolition permit, we'll know. Mr. Buck said he was issued a sign permit to reuse the existing signage or put new placards up. Mrs. Hoyer said is there any news on Smitty's? Mr. Andrew said we've met with the owners and they're waiting to hear back from the people they were talking to whether or not they are interested in the construction work. Mrs. Hoyer said so we're still working on it. Mr. Andrew said yes, it's a work in progress.

Mr. Gall said I'll add that your portion of the intersection interconnect work between Navajo and US 52 is in place. Mr. Buck said not all the equipment has been installed—all the equipment is in now—but we're waiting on crews from INDOT to come up. We've talked to them weekly about when are you going to come up and do this. We'd like to install our end of it and be there at the same time and hopefully get set up as well. They've also told us that the new buttons—they originally said no problem they could find the money to buy those and replace those and put those down at the proper locations with the new mushroom cap style head. I don't know if they've found the money or not, but we may help them buy the \$85 item for each location if that's what it really comes down to help them get that going and get that installed, when they make the trip up here to install the hardware and then program it for the interconnect. Mr. Oates said we're still on hold for that? Mr. Buck said they've done the ones on the Walgreen's corner because the old holes are open and there's new buttons and they're down lower.

Mr. Belter said Joe, do you have anything new for us today? Mr. Payne said no, nothing really new, we've installed native plant communities at the Celery Bog nature area and in the middle of the loop at the Northwest Greenway Trail in Trailhead Park and we've done some planting in Cumberland Park associated with Northwest Greenway Trail. We have quite a bit more planned and have additional native plant community installations at the Celery Bog in the spring as well. None of this looks like anything right now, so we'll talk more about it in the spring and summer—particularly about July.

Mrs. Sandra Pearlman commented how much she has enjoyed being on this Commission. I will miss you and I've learned a lot, so thank you.

Mayor Mills said I just wanted to thank Sandy. Thank you Sandy for the years of time and effort you've put in. We will miss you.

Mayor Mills said I also wanted to introduce Diane Damico who has graciously consented to fill Sandy's vacant spot and bring her business expertise to the Redevelopment Commission. Thanks to both of you.

The Commission confirmed/scheduled the following meetings:

Tuesday, January 2<sup>nd</sup> at 4:00 p.m.

Monday, January 22<sup>nd</sup> at noon

Friday, February 16<sup>th</sup> at noon

Mr. Belter said the last item of business is Public Comment. Is there anybody from the public who has a comment for the Commission?

Councilor O'Callaghan said I just wanted to mention at the December council meeting, we did approve the reappointment of Larry Oates and Patsy Hoyer so we'll look forward to them being sworn in on January 2<sup>nd</sup>.

Citizen Jan Meyers said I've been observing what's gone on on Salisbury and now I'm hearing the same phrase too, for Cumberland and that is *traffic calming*. Yet when I've driven Salisbury and there's a lot of traffic, I'm wondering where the emergency vehicles are going to go. Mr. Buck responded if they get into a situation where there's an island and people have stopped to let emergency vehicles through, they're going to go right over the island. Everything we have planted is perennial in nature and nothing with a trunk that a fire truck or a police cruiser can't drive right over. On-coming traffic can have the same route, completely around the island or the islands are low enough, they can drive right over the top of them. That was sacrificial in nature, but...Ms. Meyers said I wasn't trying to drive over the islands, I just was looking at them. Mr. Buck said if fire trucks get in a situation where they're stuck; the islands aren't long enough where hopefully that will be a realistic answer. Currently, I think you can see each end from either end to know if cars are stopped and they can go on around the island, but if they get in a situation, they can put one tire up on it and go around. There's actually going to be about 16 to 17 feet curb to curb in between where the islands are, there's going to be 17 feet of pavement. So it's feasible if people pull over all the way to the curb that emergency vehicles could still get by.

Ms. Meyers said it appears they filled the islands with a lot of crushed rock and only topped them with 4 to 6 inches of soil. Tom Gall said 24 inches of soil. Ms Meyers said it wasn't 24 inches that I saw. Mr. Gall said they had to do a certain amount of stone to do their work, but when they filled them back in they had to do pretty close to 24 inches of black dirt. Mr. Buck said there was one that they filled in all the way with stone initially because they were in a time crunch and maybe that's the one you saw. Mr. Gall said they also had to fill in to drive in on back and forth, but the top soil that went in was pretty significant. Ms. Meyers said okay. Mr. Buck said the middle area of the two was purposely removed and left out so there shouldn't

be any stone in the very center. There's a little bit behind it at the insides of the curbs for supporting the curbs, but 6 to 8 inches is all. So drainage should be able to happen and root growth. Ms. Shaw added and those islands will be available for adopting next year.

Mr. Belter asked if there were any other questions or comments from the public. There were none. The public session was closed.

Mr. Oates made a motion to adjourn. Mrs. Hoyer seconded. The meeting adjourned at 12:35 p.m.

Respectfully submitted,

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Patsy R. Hoyer  
Recording Secretary, Pro Tem

Approved:

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Stephen E. Belter, President

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